

November 8, 2022

VIA ECF

The Honorable George B. Daniels
United States District Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, NY 10007

Re: *In re Terrorist Attacks on September 11, 2001*, No. 03-md-1570 (GBD) (SN)
Havlish, et al. v. Bin Laden, et al., No. 03-cv-9848 (GBD) (SN)
John Does 1 through 7 v. the Taliban, et al., No. 20-mc-740 (GBD) (SN)
Federal Insurance Co., et al. v. al Qaida, et al., No. 03-cv-6978 (GBD) (SN)
Smith v. the Islamic Republic of Iraq, No. 01-cv-10132 (GBD) (SN)

Length and Structure of Objections to Report and Recommendation

Dear Judge Daniels:

On behalf of Judgment Creditors Fiona Havlish, *et al.* (the “Havlish Creditors”), Judgment Creditors John Does 1 through 7 (the “Doe Creditors”), Judgment Creditors Federal Insurance Co., *et al.* (the “Federal Insurance Creditors”), and Judgment Creditors Estate of Smith, *et al.* (the “Smith Creditors”)—collectively, the “Joint Creditors”—we submit this letter in connection with our forthcoming objections to Magistrate Judge Netburn’s August 26, 2022 Report and Recommendation (“Report”), Dkt. 8463, which recommended denial of our clients’ turnover motions.

Objections to the Report are due this Thursday, November 10. *See* Dkt. 8611. As the Court is aware, counsel for the judgment creditors in each of the four above-captioned actions have been working together diligently to coordinate and consolidate their objections. *See* Dkt. 8468. The Joint Creditors are planning to submit one primary brief directly addressing the Report, as well as a shorter brief principally responding to and addressing the October 17 submission of Mr. Naseer A. Faiq as *amicus curiae*, which draws the Court’s attention to a statement of interest filed by the Department of Justice in a different proceeding. *See* Dkt. 8645. Our primary objections brief is expected to be approximately 60 pages in length, and the brief addressing the statement of interest is expected to be approximately 20 pages in length.

There does not appear to be an applicable rule specifically governing the length of objections to a Report and Recommendation in either the Local Rules of this District or in Your Honor’s Individual Rules and Practices. Your Honor’s Individual Rules limit memoranda of law in support of motions to 25 pages. *See* Individual Rules and Practices of Judge George B. Daniels, Rule IV.B. To the extent that rule applies to objections, the length of the primary consolidated brief proposed by the Joint Creditors will still be significantly shorter than it would have been if each of the four groups submitted its own 25-page brief. A consolidated brief will allow the Joint Creditors to respond efficiently to the three independent findings underlying Judge Netburn’s Report and to address comprehensively the significant legal issues raised by this proceeding

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seeking the turnover of \$3.5 billion in assets for the benefit of over 10,000 members of the 9/11 community. Moreover, several significant recommendations in the Report concern matters that were not addressed in the judgment creditors' underlying motions or otherwise in the briefing, and the Report was issued without the benefit of oral argument. The statement of interest submitted by *amicus curiae* Faiq was, meanwhile, filed in a separate action subsequent to the Report, and the Joint Creditors have not had a chance to address it. Accordingly, the objections will address certain issues that have not previously been briefed in any detail.

We thank the Court for its consideration and await any direction the Court may deem appropriate to provide.

Respectfully submitted,

/s/ Lee Wolosky

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cc: All counsel of record (by ECF)